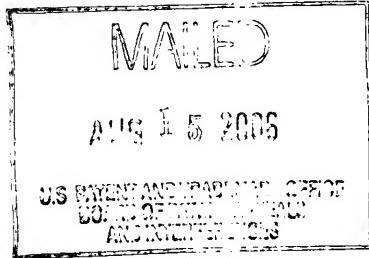


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte ARSHAD SUHAIL FAROOQUI

Appeal No. 2006-1194
Application No. 10/601,204

ON BRIEF

Before THOMAS, JERRY SMITH and HOMERE, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's final rejection of claims 7, 8, 11 and 13 through 19.

Independent claim 7 is reproduced below:

7. An apparatus comprising:

a bandgap reference voltage generator having an output terminal;

an operational amplifier having a positive input terminal, a negative input terminal, and an output terminal, wherein the negative input terminal of said operational amplifier is electrically connected to the output terminal of said bandgap reference voltage generator;

a transistor having a gate, a source, and a drain, wherein the gate of said transistor is electrically connected to the output of said operational amplifier, and wherein the drain of said transistor is electrically connected to the positive input terminal of said operational amplifier;

a voltage divider having a input terminal, an output terminal, and a common terminal, wherein said input terminal of said voltage divider is electrically connected to the positive input terminal of said operational amplifier;

a startup network having a first positive supply terminal and an output terminal, wherein said output terminal of said startup network is electrically connected to said input terminal of said voltage divider; and

a self-biasing network having a second positive supply terminal, a common terminal, and an output terminal, wherein said second positive supply terminal of said self-biasing network is electrically connected to said output terminal of said startup network, and wherein said common terminal of said self-biasing network is electrically connected to said common terminal of said voltage divider.

The following references are relied on by the examiner:

Connell et al. (Connell)	6,441,594	Aug. 27, 2002
Mosinskis et al. (Mosinskis)	6,529,563	Mar. 4, 2003

Claims 7, 8, 11 and 13 through 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mosinskis. Claims 17 through 19 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Mosinskis in view of Connell.

Rather than repeat the positions of the appellant and the examiner, reference is made to the Brief (no Reply Brief has been filed) for appellant's positions, and to the Answer for the examiner's positions.

OPINION

For the reasons set forth by the examiner in the Answer, as amplified here, we sustain the rejection of various claims under 35 U.S.C. § 102 and, separately, the remaining claims under 35 U.S.C. § 103. Page 2 of the Brief initially characterizes the issues for decision as the examiner's interpretation of the term "electrically connected" in independent claim 7 on appeal and imposes the question "Are two nodes in an electrical network that are 'electrically connected' anticipated by two nodes that are connected via a resistor?" Our answer to this question is yes.

Appellant's contribution in the art is generally depicted in Figure 3 and more specifically shown in Figure 4. This figure shows direct connections between various discrete electrical elements and submodules. Paragraph 7 at page 2 of the specification as filed in the "Summary of the Invention" utilizes the term "electrically connected" to describe the interrelationship among the various recited elements. Correspondingly, the description of Figure 4 in paragraph [0018] beginning at the bottom of page 3 of the specification as filed utilizes the term "interconnected" or "connected" to describe the relationship between the various circuit elements shown in Figure 4. The claimed "electrically connected" is not coextensive with the description of Figure 4.

As responded to by the examiner beginning at page 6 of the Answer, we, as well as the examiner, do not agree with the appellant's assertion that the term "electrically connected" is in direct conflict with the usage of that term in Mosinskis and the present specification. What is

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shown in disclosed Figure 4 and described in terms of words in the noted description in the specification of Figure 4 is the direct connection between various circuit elements. This is not what is claimed in terms of the broadly defined terminology “electrically connected.” The examiner correctly points out at the bottom of page 6 of the Answer that the “present specification does not supply an explicit definition for the term ‘electrically connected.’” The examiner has persuasively shown in the paragraph bridging pages 6 and 7 of the Answer that at least three prior patents utilize the term “electrically connected” to define a connection with intervening elements as being well-known in the art.

Appellant’s second argument at page 7 of the Brief, that the examiner’s interpretation that the noted term is in direct conflict with usage in the art, is misplaced. We have not been provided a copy of the material appellant quotes from at page 7 of the Brief relating to a prior art book relating to the topic of the art of electronics. Notwithstanding this, the quoted portion indicates that in real circuits things are connected together with wires, metallic conductors, each of which has the same voltage on it everywhere with respect to ground. Claim 7 is not coextensive in terms. No wires are claimed, such as to lead to the conclusion that a direct connection is otherwise stated.

Lastly, we do not agree with appellant’s assertion that the term “electrically connected” as interpreted by the examiner renders a verbal description of the circuit connectivity meaningless. On the contrary, the use of the noted term is a broad recitation generally intended to avoid the recitation of a direct electrical connection such as to encompass or otherwise

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embrace intervening circuit elements. In an electronic circuit, every node is in fact broadly “electrically connected” to every other node.

As to the rejection of independent claim 7 and its respective dependent claims under 35 U.S.C. § 102, appellant’s Brief has not argued the merits of the examiner’s rejection of this claim. As such, the rejection is sustained. Correspondingly, appellant’s remarks with respect to the second stated rejection of various dependent claims under 35 U.S.C. § 103 at the bottom of page 8 of the Brief in effect argues the alleged patentability of parent independent claim 7 and does not argue against the combinability of Connell to Mosinskis as argued by the examiner. As to the rejection of independent claim 7 under 35 U.S.C. § 102, appellant has not amended this claim in such a manner as to exclude the examiner’s interpretations of it within 35 U.S.C. § 102.

In view of the foregoing, the decision of the examiner rejecting various claims on appeal under 35 U.S.C. § 102 and 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED



JAMES D. THOMAS
Administrative Patent Judge

JAMES D. THOMAS
Administrative Patent Judge

Jerry Smith
JERRY SMITH
Administrative Patent Judge

Jean R. Homere
JEAN R. HOMERE
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